REMARKS

Claims 1-42 are pending.

Claims 3, 4, 10, 11, 20, 21, 32 and 33 have been allowed.

Claims 1, 2, 5-9, 12-19, 22-31 and 34-42 have been rejected.

Claim Rejections – 35 USC § 103: Claims 1, 2, 5-9, 12-19, 22-31 and 34-42 were rejected under 35 USC 103(a) as being unpatentable over U.S. Pat. No. 6,360,271 ("Schuster") in view of U.S. Pat. No. 6,990,112 ("Brent").

Claims 1, 8, 19 and 30 are independent claims and claims 2, 5-7, 9, 12-18, 22-29, and 31 are dependent claims. The examiner applied the same reasoning to the rejection of all of the independent claims, 1, 8, 19 and 30. Thus all of the independent claims 1, 8, 19 and 30 will be discussed together using the language of claims 1 as an example.

In applicant's system, different paths through the network have different end points and the end points of the paths are in different regions of the network. The size of the jitter buffer required by each particular path is determined by jitter data from the region of the network where the end point of the particular path is located. Applicant's system uses the "jitter record" of the network region where the end point of a particular path is located to determine the size of the jitter buffer allocated for that particular path.

For example, consider a first path through the network with an end point in network region "A" and a second path through the network with an endpoint in network region "B". If the jitter record from the network region A shows a large amount of jitter and the jitter record for network region B only shows a small amount of jitter, the size of the jitter buffer for the first path (the path with endpoint in network region A) will be set to a larger value than the size of the jitter buffer for the second path (that has an endpoint in network region B).

In summary the size of the jitter buffer for a particular path through the network is set based upon <u>the jitter record</u> of the network region where the end point of the particular path is located.

For example, applicant's claim 1 recites (in part with emphasis added):

"a first connection through a network with a first endpoint in a first region of said network; and

a processor coupled with the network interface to:

retrieve a first jitter record for the first network region; and

allocate a first portion of said memory for jitter buffer storage for the first connection, the first portion having **a size in accordance with first jitter data in the first jitter record**."

In summary, as recited in claim 1, for a particular connection that has an endpoint in a particular network region the system :

a) Retrieves the jitter record for particular region of the network where the endpoint of the connection is located.

b) Sets the size of the jitter buffer for the connection depending upon the data in the retrieved jitter record.

Applicant's claims were rejected based upon a combination of two references, namely the Schuster, and Brent references.

The Schuster reference shows a system that measures jitter in order to accurately bill charges based upon level of transmission quality. There is no suggestion, whatsoever, in the Schuster reference of setting the size of a jitter buffer for particular path based upon the <u>jitter record of the region</u> of the network region where the endpoint of the path is located as required by applicant's claims.

On page 2 of the office action the examiner states that Schuster discloses a method that includes the step:

"retrieve a first jitter record for the first network region (col. 11, lines 48-58 and col. 12, lines 10-27"

Such a step is absolutely not shown in the Schuster reference. There is no mention in the Schuster reference of a jitter record, and at col. 12, lines 10-27, the Schuster reference states.

"Delay and/or jitter may be measured directly with respect to the packets as to which the billing entity charges for transmission"

Applicant's claims recite (using the language in claim 1 as an example):

"a first connection through a network with a first endpoint in a first region of said network; and

a processor coupled with the network interface to:

retrieve a first jitter record for the first network region"

The step quoted above from claim 1 is just not shown in the Schuster reference.

The examiner acknowledges on the top of page 3 of the office action that Schuster does not disclose:

"allocate a first portion of a memory for jitter buffer storage for the first connection; the first portion having a size in accordance with first jitter data **in the first jitter record**" (emphasis added).

The examiner cites the Brent reference to satisfy the deficiencies in the Schuster reference. The Brent reference is concerned with adjusting a jitter buffer for different types of communication, for example, when a system switches from voice to modem traffic. At column 9 lines 26-28 the Brent reference states:

"the jitter buffer delay can be suitably frozen as soon as a modem connection is detected'

and at column 9 line 54 to 56:

"the modifying algorithm to set the fixed jitter buffer delay for a modem call could require the maximum allowable delay"

There is no suggestion in the Brent reference of retrieving a jitter record for a region that is the end point of a network connection and setting the size of a jitter buffer in accordance with first jitter data in the retrieved "jitter record."

Thus, there is no suggestion in the references of a system which operates as does the system and method recited in applicant's claims and applicant respectfully request reconsideration and withdrawal of the rejection of independent claims 1,8, 19 and 30 based upon Schuster and Brent.

With respect to the dependent claims, 2, 5-7, 9, 12-18, 22-31 and 34-42, applicant submits that these claims are patentable for the same reasons explained above relative to the parent claims.

CONCLUSION: For the foregoing reasons, allowance of claims 1-42 is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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